

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

**CHARLES E. MADDOX, SR.;
AND ALTON H. MADDOX, JR.,**

CIVIL ACTION NO:3:04-23190-MJP

PLAINTIFFS,

ORDER

-vs-

**RONALD L. EPPS, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY
AS SUPERINTENDENT, RICHLAND
SCHOOL DISTRICT ONE, THE STATE
OF SOUTH CAROLINA; VINCE FORD,
INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY AS CHAIRMAN,
RICHLAND ONE BOARD OF SCHOOL
COMMISSIONERS; LANE QUINN;
SANDRA MANNING;
KING B.L. JEFFCOAT;
DWAYNE SMILING;
DAMOND JETER;
JASPER SALMOND, INDIVIDUALLY
AND IN THEIR OFFICIAL
CAPACITIES AS MEMBERS OF THE
RICHLAND ONE BOARD OF
COMMISSIONERS; FAE YOUNG,
INDIVIDUALLY AND IN HER
OFFICIAL CAPACITY AS PRINCIPAL,
SANDEL ELEMENTARY SCHOOL;
RICHLAND COUNTY SCHOOL
DISTRICT ONE, THE STATE OF
SOUTH CAROLINA;
TOMIKA ELEY MADDOX; AND
AL-HUDA IBN SIMS,**

DEFENDANTS.

This matter is before the Court pursuant to the report and recommendation submitted by United States Magistrate Judge Joseph R. McCrorey to whom it was referred for review under 28 U.S.C. § 636 and this Court's Local Rules. On December 7, 2004, the plaintiffs, Charles E. Maddox, Sr. and Alton H. Maddox Jr., filed this civil action seeking damages against the various defendants. The record reflects that none of the defendants have ever been served. Therefore, the Magistrate Judge has recommended that this matter be dismissed for lack of prosecution pursuant to Rule 41 of the Federal Rules of Civil Procedure. Ballard v. Carlson, 882 F.2d 93 (4th Cir. 1989), cert. denied, 493 U.S. 1084 (1990). Upon review, the Court agrees.

I. TIME FOR FILING OBJECTIONS

A plaintiff may object, in writing, to a magistrate judge's report within ten days after being served with a copy of that report. 28 U.S. C. §636(b)(1). Three days are added to the ten day period if the recommendation is mailed rather than personally served. The magistrate judge's report and recommendation was filed on February 16, 2006.

II. REVIEW OF MAGISTRATE JUDGE'S REPORT

The court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which specific objection registered and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). In this case, the plaintiff has not objected to the magistrate judge's report. The record reflects that the plaintiffs were advised by order of the court filed December 1, 2005 of the need to serve the defendants and to provide the Court with proof of service upon the named defendants. The Court issued another order on February 16, 2006 again directing

the plaintiffs to serve the named defendants and to provide the Court with proof of service. Both orders advised the plaintiffs of the possible consequences if they failed to adhere to the Court's directions. The plaintiffs have failed to comply.

Nonetheless, this Court has thoroughly reviewed the record. Upon careful review, the Court concludes that the recommendation of the Magistrate Judge should be and is hereby approved. This action is hereby dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/ MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina,

March 14, 2006